IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5422 of 2007()

CRLMC.1241/2007 of DISTRICT COURT, THALASSERY

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CRIME NO.176/07 OF EDAKKAD POLICE STATION

PETITIONER/IST ACCUSED

A.SAFEEL, S/O. AMEER,
BUSHARA MANZIL, PINARAYI,THALASSERY TALUK.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT & STATE

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1. THE SI OF POLICE,
EDAKKAD POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5422 of 2007

Dated this the 10th day of September 2007

O R D E R

Application for regular bail. The petitioner is the first accused. Altogether there are three accused persons. They face allegations under Section 398 read with 34 I.P.C. The crux of the allegations is that on 7/8/2007 at 2.15 a.m when the de facto complainant and his family were returning from Kannur railway station in a car, the petitioner and two others came in a motor bike and restrained and assaulted the victims with wooden sticks. The glass windows of the car were broken. Attempts were made to commit robbery. Fortunately when another vehicle came along that way at that time, the miscreants took to their heels abandoning the motor cycle in which they came to the scene of the crime. In the F.I.R, the persons involved were not mentioned. Later, reckoning the motor cycle which was seen abandoned as a crucial clue, the police were able to ascertain the complicity of the three accused persons. The petitioner was arrested on 10/8/2007. He continues in custody from that date. All the co-accused have been arrested already. The petitioner has no criminal antecedents also.

2. The learned counsel for the petitioner submits that the petitioner who has no criminal antecedents and who has been continuing in custody from 10/8/2007 may now be enlarged on bail.

The learned Public Prosecutor, on the other hand, opposes the application vehemently. The learned Public Prosecutor submits that in a serious crime like this, the investigating officer may be given reasonable further time to complete the investigation.

3. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. Notwithstanding the fact that the petitioner is continuing in custody from 10/8/2007, I am satisfied that the petitioner is not entitled to be enlarged on bail now. I find merit in the submission of the learned Public Prosecutor that the investigating officer does need some further time to complete the investigation.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court for bail again at later stages of the investigation not, at any rate, prior to 20/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007